

**IN THE UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

**RON LOMBARD**

**VS.**

**LARRY ALLEN WYCOFF AND  
DANNY HERMAN TRUCKING, INC.**

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**CIVIL ACTION NO. 4:17-cv-1700**

**JURY REQUESTED**

**DEFENDANTS' NOTICE OF REMOVAL**

TO THE HONORABLE JUDGE OF SAID COURT:

COME NOW Defendants, LARRY ALLEN WYCOFF AND DANNY HERMAN TRUCKING, INC., and hereby give notice of their removal of Cause No. 2017-32881 filed in the 334<sup>TH</sup> Judicial District Court of Harris County, Texas, to the United States District Court for the Southern District of Texas pursuant to the provisions of 28 U.S.C. §§ 1441(a) and 1446.

**Factual Background**

1. On or about October 24, 2015, Plaintiff claims he was injured when his vehicle was struck by a Danny Herman Trucking, Inc.'s tractor and trailer in Harris County, Texas. Plaintiff filed suit in state court.

2. Plaintiff filed suit in state court on May 16, 2017. Service of Citation and Petition on Danny Herman Trucking, Inc. by service on its registered agent via certified mail on June 2, 2017. Defendant Wycoff was served with process on May 30, 2017. In Plaintiff's Petition there is a monetary claim for damages in an amount an excess of \$1,000,000.00, which exceeds the jurisdictional minimum. The case has been on file for less than one year. Removal is both timely and appropriate.

### **Basis for Removal and Jurisdiction**

3. This cause may be removed pursuant to 28 U.S.C. § 1441(a). “[A]ny civil action brought in State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant, to the district court of the United States for the district and division embracing the place where such action is pending.” This Court has jurisdiction over this matter under 28 U.S.C. § 1332 because there is complete diversity of citizenship and the amount in controversy is greater than \$75,000.00.

### **Full Diversity Between the Parties**

#### ***Complete Diversity of Citizenship***

4. To have diversity of citizenship, each plaintiff must have a different citizenship from each defendant. 28 U.S.C. § 1332. Complete diversity of citizenship exists between the parties as the Plaintiff is a Texas citizen and none of the Defendants are Texas citizens or corporations

5. Plaintiff, Ron Lombard, is a citizen of the State of Texas.

6. Defendant, Larry Allen Wycoff, is a resident and citizen of the State of Missouri.

7. Defendant, Danny Herman Trucking, Inc. is a Tennessee corporation with its principal place of business in Tennessee.

#### ***Amount in Controversy***

8. In order for diversity jurisdiction to exist, the amount in controversy must exceed \$75,000.00, exclusive of interest and costs. 28 U.S.C. § 1332(a).

9. In papers filed in State court, Plaintiff alleges damages being sought in excess of \$1,000,000.00.

### **Removal is Timely and Appropriate**

10. If the plaintiff creates diversity jurisdiction sometime after filing the initial complaint, the defendant has one year from the commencement of the suit to remove. 28 U.S.C. § 1446(b). A defendant has 30 days to remove a civil action after receipt of the first pleading or other paper that establishes the jurisdictional grounds. 28 U.S.C. § 1446(b). When diversity is the basis for removal, the defendant can rely on the plaintiff's voluntary assertion of damages within the complaint to meet the monetary jurisdictional requirement for diversity. *S.W.S. Erectors, Inc. v. Infax, Inc.*, 72 F.3d 489, 492 (5th Cir. 1996). "The burden of establishing subject matter jurisdiction in federal court rests on the party seeking to invoke it." *St. Paul Reinsurance Co. v. Greenberg*, 134 F.3d 1250, 1253 (5th Cir. 1998). Here, Plaintiff's Pleading voluntarily asserts an amount in controversy over to \$1,000,000.00. This removal is filed within the thirty (30) days of the service of Plaintiff's Petition. The removal is both timely and appropriate.

### **Jury Demanded**

11. Defendants request that the case be tried before a jury.

### **Consent of Served Defendants**

12. Defendants, Danny Herman Trucking, Inc. and Larry Allen Wycoff consent to this removal.

### **Compliance with Local Rule and Notice Requirements**

14. Pursuant to 28 U.S.C. § 1446 and Local Rule 81, the following documents are attached to this Notice:

Exhibit A ..... Plaintiff's Original Petition with Civil Case Information Sheet

Exhibit B ..... Citation for Larry Allen Wycoff

Exhibit C ..... Citation for Danny Herman Trucking, Inc.

Defendants know of no orders signed by the state judge.

15. Pursuant to 28 U.S.C. 1446(d), written notice of the filing of this instrument will be given to Plaintiff. A true and correct copy of this Notice of Removal will also be attached as an exhibit with the written Notice of Removal filed with the clerk of the state court.

Respectfully submitted,

/s/ Roger D. Oppenheim

---

Roger D. Oppenheim

FBN: 14206

SBN: 15292400

OF COUNSEL:

**LORANCE & THOMPSON, P.C.**

2900 North Loop West, Suite 500

Houston, TX 77092

713/868-5560

713/864-4671 (fax)

[rdo@lorancethompson.com](mailto:rdo@lorancethompson.com)

ATTORNEY FOR DEFENDANTS

LARRY ALLEN WYCOFF AND

DANNY HERMAN TRUCKING, INC.

### **CERTIFICATE OF SERVICE**

I hereby certify that on this 6<sup>th</sup> day of June, 2017, a true and correct copy of the foregoing instrument was served by e-filing and/or facsimile to the following counsel of record:

Mr. Ben Rose

Rose Bell

10000 Memorial Drive, Ste. 750

Houston, TX 77024

[ben@bellroselaw.com](mailto:ben@bellroselaw.com)

/s/ Roger D. Oppenheim

---

Roger D. Oppenheim

**IN THE UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

**RON LOMBARD**

**VS.**

**LARRY ALLEN WYCOFF AND  
DANNY HERMAN TRUCKING, INC.**

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§

**CIVIL ACTION NO. 4:17-cv-1700**

**JURY REQUESTED**

**INDEX OF MATTERS BEING FILED**

Defendants, LARRY ALLEN WYCOFF AND DANNY HERMAN TRUCKING, INCL, in connection with the removal of this case to the United States District Court for the Southern District of Texas, Houston Division, file their index of matters, as follows:

Exhibit A ..... Plaintiff's Original Petition with Civil Case Information Sheet

Exhibit B ..... Citation for Larry Allen Wycoff

Exhibit C ..... Citation for Danny Herman Trucking, Inc.

Respectfully submitted,

/s/ Roger D. Oppenheim

---

Roger D. Oppenheim

FBN: 14206

SBN: 15292400

OF COUNSEL:

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Houston, TX 77092

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[rdo@lorancethompson.com](mailto:rdo@lorancethompson.com)

ATTORNEY FOR DEFENDANTS

LARRY ALLEN WYCOFF AND

DANNY HERMAN TRUCKING, INC.

**CERTIFICATE OF SERVICE**

I hereby certify that on this 6<sup>th</sup> day of June, 2017, a true and correct copy of the foregoing instrument was served by e-filing and/or facsimile to the following counsel of record:

Mr. Ben Rose  
Rose Bell  
10000 Memorial Drive, Ste. 750  
Houston, TX 77024  
[ben@bellroslaw.com](mailto:ben@bellroslaw.com)

/s/ Roger D. Oppenheim

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Roger D. Oppenheim

5/16/2017 2:48:28 PM  
Chris Daniel - District Clerk Harris County  
Envelope No. 17061943  
By: Nelson Cuero  
Filed: 5/16/2017 12:23:00 PM

2017-32881 / Court: 334

NO. \_\_\_\_\_

**RON LOMBARD**  
Plaintiff,

V.

**LARRY ALLEN WYCOFF AND**  
**DANNY HERMAN TRUCKING, INC.**  
Defendants.

§ IN THE DISTRICT COURT  
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§  
§ \_\_\_\_\_ JUDICIAL DISTRICT  
§  
§  
§ OF HARRIS COUNTY, TEXAS

**PLAINTIFF'S ORIGINAL PETITION**

**TO THE HONORABLE JUDGE OF SAID COURT:**

NOW COMES Ron Lombard, hereinafter called Plaintiff, complaining of and about Larry Allen Wycoff and DANNY HERMAN TRUCKING, INC., hereinafter called Defendants, and for cause of action shows unto the Court the following:

**DISCOVERY CONTROL PLAN LEVEL**

1. Plaintiff intends that discovery be conducted under Discovery Level 2.

**PARTIES AND SERVICE**

2. Plaintiff, Ron Lombard, is an Individual whose address is 15050 Copper Road Blvd, #811, Houston, Texas 77095.
3. The last three numbers of Ron Lombard's driver's license number are 437. The last three numbers of Ron Lombard's Social Security Number are 676.
4. Defendant Larry Allen Wycoff, an Individual who is a nonresident of Texas, may be served with process at his place of employment at the following address: Danny Herman Trucking Inc., P.O. Box 55, Mountain City, TN 37683. Service of said Defendant as described above can be effected by certified mail, return receipt requested.



5. Defendant DANNY HERMAN TRUCKING, INC., a Nonresident Corporation, may be served pursuant to sections 5.201 and 5.255 of the Texas Business Organizations Code by serving the registered agent of the corporation, CORPORATION SERVICE COMPANY d/b/a CSC-LAWYERS INCORPORATING , at 211 E. 7TH STREET, SUITE 620 Austin, TX 78701-3218 USA , its registered office. Service of said Defendant as described above can be effected by certified mail, return receipt requested.

#### **JURISDICTION AND VENUE**

6. The subject matter in controversy is within the jurisdictional limits of this court.
7. Plaintiff seeks:
  - a. monetary over \$1,000,000.
8. This court has jurisdiction over Defendant Larry Allen Wycoff, because said Defendant purposefully availed himself of the privilege of conducting activities in the state of Texas and established minimum contacts sufficient to confer jurisdiction over said Defendant, and the assumption of jurisdiction over Larry Allen Wycoff will not offend traditional notions of fair play and substantial justice and is consistent with the constitutional requirements of due process.
9. Furthermore, Plaintiff would show that Defendant Larry Allen Wycoff engaged in activities constituting business in the state of Texas as provided by Section 17.042 of the Texas Civil Practice and Remedies Code, in that said Defendant committed a tort in whole or in part in Texas.
10. Defendant drove a motor vehicle in the State of Texas, was involved in a motor vehicle accident on October 24, 2015, and committed the torts complained of herein.



11. This court has jurisdiction over Defendant DANNY HERMAN TRUCKING, INC., because said Defendant purposefully availed itself of the privilege of conducting activities in the state of Texas and established minimum contacts sufficient to confer jurisdiction over said Defendant, and the assumption of jurisdiction over DANNY HERMAN TRUCKING, INC. will not offend traditional notions of fair play and substantial justice and is consistent with the constitutional requirements of due process.

12. Furthermore, Plaintiff would show that Defendant DANNY HERMAN TRUCKING, INC. engaged in activities constituting business in the state of Texas as provided by Section 17.042 of the Texas Civil Practice and Remedies Code, in that said Defendant committed a tort in whole or in part in Texas.

13. Defendant drove a motor vehicle in the State of Texas, was involved in a motor vehicle accident on October 24, 2015, and committed the torts complained of herein.

14. Venue in Harris County is proper in this cause under Section 15.002(a)(1) of the Texas Civil Practice and Remedies Code because all or a substantial part of the events or omissions giving rise to this lawsuit occurred in this county.

### **FACTS**

15. On October 24, 2015, while in the course of his employment with Defendant Danny Herman Trucking, Inc., Defendant Larry Allen Wycoff negligently operated a commercial vehicle that struck Plaintiff Ron Lombard's vehicle. Defendant Larry Allen Wycoff appeared to Plaintiff to be heavily under the influence of a substance which would affect Defendant Larry Allen Wycoff's ability to operate a motor vehicle.

16. Plaintiff suffered considerable injuries as a result of the accident.

**PLAINTIFF'S CLAIM OF  
NEGLIGENCE AGAINST LARRY ALLEN WYCOFF**

17. Defendant Larry Allen Wycoff had a duty to exercise the degree of care that a reasonably careful person would use to avoid harm to others under circumstances similar to those described herein.

18. Plaintiff's injuries were proximately caused by Defendant Larry Allen Wycoff's negligent, careless and reckless disregard of said duty.

19. The negligent, careless and reckless disregard of duty of Defendant Larry Allen Wycoff consisted of, but is not limited to, the following acts and omissions:

- A. In that Defendant Larry Allen Wycoff failed to keep a proper lookout for Plaintiff's safety that would have been maintained by a person of ordinary prudence under the same or similar circumstances;
- B. In that Defendant Larry Allen Wycoff failed to turn his motor vehicle to the left lane in an effort to avoid the collision complained of;
- C. In that Defendant Larry Allen Wycoff operated his vehicle in Plaintiff's lane of traffic and failed to give Plaintiff at least one-half of the roadway;
- D. In that Defendant Larry Allen Wycoff failed to keep such distance away from Plaintiff's motor vehicle as a person using ordinary prudent care would have done;
- E. In that Defendant Larry Allen Wycoff failed to apply his brakes to his motor vehicle in a timely and prudent manner; and
- F. In that Defendant Larry Allen Wycoff was intoxicated while operating his motor vehicle.

**PLAINTIFF'S CLAIM OF  
NEGLIGENCE PER SE AGAINST LARRY ALLEN WYCOFF**

20. Defendant Larry Allen Wycoff's conduct described herein constitutes an unexcused breach of duty imposed by Texas Penal Code 49.01, which prohibits operating a vehicle while intoxicated.

21. The statute is designed to protect persons using the roadways and highways in the State of Texas.

22. Plaintiff is member of the class that Texas Penal Code 49.01 was designed to protect.

23. Defendant Larry Allen Wycoff's unexcused breach of the duty imposed by Texas Penal Code 49.01 proximately caused the Plaintiff's injuries described herein.

**PLAINTIFF'S CLAIM OF  
RESPONDEAT SUPERIOR AGAINST DANNY HERMAN TRUCKING, INC.**

24. At the time of the occurrence of the act in question and immediately prior thereto, Larry Allen Wycoff was within the course and scope of employment for Defendant DANNY HERMAN TRUCKING, INC.

25. At the time of the occurrence of the act in question and immediately prior thereto, Larry Allen Wycoff was engaged in the furtherance of Defendant DANNY HERMAN TRUCKING, INC.'s business.

26. At the time of the occurrence of the act in question and immediately prior thereto, Larry Allen Wycoff was engaged in accomplishing a task for which Larry Allen Wycoff was employed.

27. Plaintiff invokes the doctrine of Respondeat Superior as against Defendant DANNY HERMAN TRUCKING, INC.

**PLAINTIFF'S CLAIM OF  
NEGLIGENT ENTRUSTMENT AGAINST DANNY HERMAN TRUCKING, INC.**

28. On October 24, 2015, Defendant DANNY HERMAN TRUCKING, INC. was the owner of the vehicle operated by Larry Allen Wycoff.

29. Defendant DANNY HERMAN TRUCKING, INC. entrusted the vehicle to Larry Allen Wycoff, a reckless and incompetent driver.

30. Defendant DANNY HERMAN TRUCKING, INC. knew, or through the exercise of reasonable care should have known, that Larry Allen Wycoff was a reckless and incompetent driver.

31. As described herein, Larry Allen Wycoff was negligent on the occasion in question.

32. Larry Allen Wycoff's negligence was the proximate cause of Plaintiff's damages.

**EXEMPLARY DAMAGES**

33. Defendant Larry Allen Wycoff's acts or omissions described above, when viewed from the standpoint of Defendant Larry Allen Wycoff at the time of the act or omission, involved an extreme degree of risk, considering the probability and magnitude of the potential harm to Plaintiff and others. Defendant Larry Allen Wycoff had actual, subjective awareness of the risk involved in the above described acts or omissions, but nevertheless proceeded with conscious indifference to the rights, safety, or welfare of Plaintiff and others.

34. Based on the facts stated herein, Plaintiff requests exemplary damages be awarded to Plaintiff from Defendant Larry Allen Wycoff.

35. Defendant DANNY HERMAN TRUCKING, INC.'s acts or omissions described above, when viewed from the standpoint of Defendant DANNY HERMAN TRUCKING, INC. at the time of the act or omission, involved an extreme degree of risk, considering the probability and magnitude of the potential harm to Plaintiff and others. Defendant DANNY HERMAN TRUCKING, INC. had actual, subjective awareness of the risk involved in the above described acts or omissions, but nevertheless proceeded with conscious indifference to the rights, safety, or welfare of Plaintiff and others.

36. Based on the facts stated herein, Plaintiff requests exemplary damages be awarded to Plaintiff from Defendant DANNY HERMAN TRUCKING, INC.

**DAMAGES FOR PLAINTIFF, RON LOMBARD**

37. As a direct and proximate result of the occurrence made the basis of this lawsuit, Plaintiff, Ron Lombard was caused to suffer severe injuries to plaintiff's body, including but not limited to, severe injuries to plaintiff's spine and to incur the following damages:

- A. Reasonable medical care and expenses in the past. These expenses were incurred by Plaintiff, Ron Lombard for the necessary care and treatment of the injuries resulting from the accident complained of herein and such charges are reasonable and were usual and customary charges for such services in Harris County, Texas;
- B. Reasonable and necessary medical care and expenses which will in all reasonable probability be incurred in the future;
- C. Physical pain and suffering in the past;
- D. Physical pain and suffering in the future;
- E. Physical impairment in the past;

- F. Physical impairment which, in all reasonable probability, will be suffered in the future;
- G. Loss of earnings in the past;
- H. Loss of earning capacity which will, in all probability, be incurred in the future;
- I. Mental anguish in the past;
- J. Mental anguish in the future; and
- K. Cost of medical monitoring and prevention in the future.

**PRAYER**

**WHEREFORE, PREMISES CONSIDERED**, Plaintiff, Ron Lombard, respectfully prays that the Defendants be cited to appear and answer herein, and that upon a final hearing of the cause, judgment be entered for the Plaintiff against Defendants, jointly and severally, for damages in an amount within the jurisdictional limits of the Court; exemplary damages, as addressed to each Defendant per Section 41.006, Chapter 41, Texas Civil Practice and Remedies Code, excluding interest, and as allowed by Sec. 41.008, Chapter 41, Texas Civil Practice and Remedies Code, together with pre-judgment interest (from the date of injury through the date of judgment) at the maximum rate allowed by law; post-judgment interest at the legal rate, costs of

court; and such other and further relief to which the Plaintiff may be entitled at law or in equity.

Respectfully submitted,

Bell Rose

By: /s/ Ben Rose

Ben Rose  
Texas Bar No. 24079243  
Email: Ben@BellRoseLaw.com  
Chris Bell  
Texas Bar No. 00783631  
Email: Chris@BellRoseLaw.com  
10000 Memorial Drive, Suite 750  
Houston, Texas 77024  
Phone: 713-300-5158  
Fax: 713-583-5524

**PLAINTIFF HEREBY DEMANDS TRIAL BY JURY**

5/16/2017 2:48:28 PM

Chris Daniel - District Clerk  
Harris County

Envelope No: 17061943

BY CUERO, NELSON

Filed: 5/16/2017 12:23:00 PM


## CIVIL CASE INFORMATION SHEET

CAUSE NUMBER (FOR CLERK USE ONLY): 2017-32881 / Court: 334

STYLED Ron Lombard v. Larry Allen Wycoff &amp; Danny Herman Trucking, Inc.

(e.g., John Smith v. All American Insurance Co.; In re Mary Ann Jones; In the Matter of the Estate of George Jackson)

A civil case information sheet must be completed and submitted when an original petition or application is filed to initiate a new civil, family law, probate, or mental health case or when a post-judgment petition for modification or motion for enforcement is filed in a family law case. The information should be the best available at the time of filing.

1. Contact information for person completing case information sheet:		Names of parties in case:		Person or entity completing sheet is:	
Name:	Email:	Plaintiff(s)/Petitioner(s):		<input checked="" type="checkbox"/> Attorney for Plaintiff/Petitioner <input type="checkbox"/> Pro Se Plaintiff/Petitioner <input type="checkbox"/> Title IV-D Agency <input type="checkbox"/> Other:	
Ben Rose	Ben@bellroselaw.com	Ron Lombard			
Address:	Telephone:	Defendant(s)/Respondent(s):		Additional Parties in Child Support Case:	
10000 Memorial Drive St 750	(713) 300-5158	Larry Allen Wycoff		Custodial Parent:	
City/State/Zip:	Fax:	Danny Herman Trucking, Inc.		Non-Custodial Parent:	
Houston/TX/77024	(713) 583-5524			Presumed Father:	
Signature:	State Bar No:				
	24079243				
[Attach additional page as necessary to list all parties]					
2. Indicate case type, or identify the most important issue in the case (select only 1):					
Civil			Family Law		
Contract	Injury or Damage	Real Property	Marriage Relationship	Post-Judgment Actions (non-Title IV-D)	
<input type="checkbox"/> Debt/Contract <input type="checkbox"/> Consumer/DTPA <input type="checkbox"/> Debt/Contract <input type="checkbox"/> Fraud/Misrepresentation <input type="checkbox"/> Other Debt/Contract:  <input type="checkbox"/> Foreclosure <input type="checkbox"/> Home Equity—Expedited <input type="checkbox"/> Other Foreclosure <input type="checkbox"/> Franchise <input type="checkbox"/> Insurance <input type="checkbox"/> Landlord/Tenant <input type="checkbox"/> Non-Competition <input type="checkbox"/> Partnership <input type="checkbox"/> Other Contract:	<input type="checkbox"/> Assault/Battery <input type="checkbox"/> Construction <input type="checkbox"/> Defamation <input type="checkbox"/> Malpractice <input type="checkbox"/> Accounting <input type="checkbox"/> Legal <input type="checkbox"/> Medical <input type="checkbox"/> Other Professional Liability: <input checked="" type="checkbox"/> Motor Vehicle Accident <input type="checkbox"/> Premises <input type="checkbox"/> Product Liability <input type="checkbox"/> Asbestos/Silica <input type="checkbox"/> Other Product Liability <input type="checkbox"/> List Product: <input type="checkbox"/> Other Injury or Damage:	<input type="checkbox"/> Eminent Domain/Condemnation <input type="checkbox"/> Partition <input type="checkbox"/> Quiet Title <input type="checkbox"/> Trespass to Try Title <input type="checkbox"/> Other Property:  <input type="checkbox"/> Related to Criminal Matters <input type="checkbox"/> Expunction <input type="checkbox"/> Judgment Nisi <input type="checkbox"/> Non-Disclosure <input type="checkbox"/> Seizure/Forfeiture <input type="checkbox"/> Writ of Habeas Corpus—Pre-indictment <input type="checkbox"/> Other:	<input type="checkbox"/> Annulment <input type="checkbox"/> Declare Marriage Void <input type="checkbox"/> Divorce <input type="checkbox"/> With Children <input type="checkbox"/> No Children  <input type="checkbox"/> Other Family Law <input type="checkbox"/> Enforce Foreign Judgment <input type="checkbox"/> Habeas Corpus <input type="checkbox"/> Name Change <input type="checkbox"/> Protective Order <input type="checkbox"/> Removal of Disabilities of Minority <input type="checkbox"/> Other:	<input type="checkbox"/> Enforcement <input type="checkbox"/> Modification—Custody <input type="checkbox"/> Modification—Other  <input type="checkbox"/> Title IV-D <input type="checkbox"/> Enforcement/Modification <input type="checkbox"/> Paternity <input type="checkbox"/> Reciprocity (UIFSA) <input type="checkbox"/> Support Order  <input type="checkbox"/> Parent-Child Relationship <input type="checkbox"/> Adoption/Adoption with Termination <input type="checkbox"/> Child Protection <input type="checkbox"/> Child Support <input type="checkbox"/> Custody or Visitation <input type="checkbox"/> Gestational Parenting <input type="checkbox"/> Grandparent Access <input type="checkbox"/> Parentage/Paternity <input type="checkbox"/> Termination of Parental Rights <input type="checkbox"/> Other Parent-Child:	
Employment	Other Civil				
<input type="checkbox"/> Discrimination <input type="checkbox"/> Retaliation <input type="checkbox"/> Termination <input type="checkbox"/> Workers' Compensation <input type="checkbox"/> Other Employment:	<input type="checkbox"/> Administrative Appeal <input type="checkbox"/> Antitrust/Unfair Competition <input type="checkbox"/> Code Violations <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Intellectual Property <input type="checkbox"/> Lawyer Discipline <input type="checkbox"/> Perpetuate Testimony <input type="checkbox"/> Securities/Stock <input type="checkbox"/> Tortious Interference <input type="checkbox"/> Other:				
Tax	Probate & Mental Health				
<input type="checkbox"/> Tax Appraisal <input type="checkbox"/> Tax Delinquency <input type="checkbox"/> Other Tax:	<input type="checkbox"/> Probate/Wills/Intestate Administration <input type="checkbox"/> Dependent Administration <input type="checkbox"/> Independent Administration <input type="checkbox"/> Other Estate Proceedings:		<input type="checkbox"/> Guardianship—Adult <input type="checkbox"/> Guardianship—Minor <input type="checkbox"/> Mental Health <input type="checkbox"/> Other:		
3. Indicate procedure or remedy, if applicable (may select more than 1):					
<input type="checkbox"/> Appeal from Municipal or Justice Court <input type="checkbox"/> Arbitration-related <input type="checkbox"/> Attachment <input type="checkbox"/> Bill of Review <input type="checkbox"/> Certiorari <input type="checkbox"/> Class Action		<input type="checkbox"/> Declaratory Judgment <input type="checkbox"/> Garnishment <input type="checkbox"/> Interpleader <input type="checkbox"/> License <input type="checkbox"/> Mandamus <input type="checkbox"/> Post-judgment		<input type="checkbox"/> Prejudgment Remedy <input type="checkbox"/> Protective Order <input type="checkbox"/> Receiver <input type="checkbox"/> Sequestration <input type="checkbox"/> Temporary Restraining Order/Injunction <input type="checkbox"/> Turnover	
4. Indicate damages sought (do not select if it is a family law case):					
<input type="checkbox"/> Less than \$100,000, including damages of any kind, penalties, costs, expenses, pre-judgment interest, and attorney fees <input type="checkbox"/> Less than \$100,000 and non-monetary relief <input type="checkbox"/> Over \$100,000 but not more than \$200,000 <input type="checkbox"/> Over \$200,000 but not more than \$1,000,000 <input checked="" type="checkbox"/> Over \$1,000,000					



CAUSE NO. 201732881

RECEIPT NO.

75.00

CTM

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TR # 73377189

PLAINTIFF: LOMBARD, RON

vs.

DEFENDANT: WYCOFF, LARRY ALLEN

In The 334th  
Judicial District Court  
of Harris County, Texas  
334TH DISTRICT COURT  
Houston, TX

CITATION (CERTIFIED)

THE STATE OF TEXAS  
County of Harris

**FILED**Chris Daniel  
District Clerk

MAY 25 2017

(Time: Harris County, Texas)

By Deputy

TO: WYCOFF, LARRY ALLEN

P O BOX 55 MOUNTAIN CITY TN 37683

Attached is a copy of PLAINTIFF'S ORIGINAL PETITION

This instrument was filed on the 16th day of May, 2017, in the above cited cause number and court. The instrument attached describes the claim against you.

YOU HAVE BEEN SUED, You may employ an attorney. If you or your attorney do not file a written answer with the District Clerk who issued this citation by 10:00 a.m on the Monday next following the expiration of 20 days after you were served this citation and petition, a default judgment may be taken against you.

TO OFFICER SERVING:

This citation was issued on 25th day of May, 2017, under my hand and seal of said Court.



Chris Daniel

CHRIS DANIEL, District Clerk  
Harris County, Texas  
201 Caroline, Houston, Texas 77002  
(P.O. Box 4651, Houston, Texas 77210)

Issued at request of:

ROSE, BEN HARWOOD  
10000 MEMORIAL DRIVE SUITE 750  
HOUSTON, TX 77024  
Tel: (713) 583-5524  
Bar No.: 24079243

Generated By: ANDERSON, SARAH A Q36//10684763

## CLERK'S RETURN BY MAILING

Came to hand the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, and executed by mailing to Defendant certified mail, return receipt requested, restricted delivery, a true copy of this citation together with an attached copy of PLAINTIFF'S ORIGINAL PETITION to the following addressee at address:

## ADDRESS

(a) ADDRESSEE

Service was executed in accordance with Rule 106  
(2) TRCP, upon the Defendant as evidenced by the return receipt incorporated herein and attached hereto at \_\_\_\_\_

on \_\_\_\_\_ day of \_\_\_\_\_,  
by U.S. Postal delivery to \_\_\_\_\_

This citation was not executed for the following reason: \_\_\_\_\_

CHRIS DANIEL, District Clerk  
Harris County, TEXAS

By \_\_\_\_\_, Deputy

RECORDER'S MEMORANDUM  
This instrument is of public record  
at the time of filing

DEFENDANT'S  
EXHIBIT

ALL-STATE LEGAL®

B

CAUSE NO. 201732881

RECEIPT NO.

75.00 CTM

\*\*\*\*\*

TR # 73377189

PLAINTIFF: LOMBARD, RON

vs.

DEFENDANT: WYCOFF, LARRY ALLEN

In The 334th  
Judicial District Court  
of Harris County, Texas  
334TH DISTRICT COURT  
Houston, TX

CITATION (CERTIFIED)

THE STATE OF TEXAS  
County of Harris

TO: WYCOFF, LARRY ALLEN

P O BOX 55 MOUNTAIN CITY TN 37683

Attached is a copy of PLAINTIFF'S ORIGINAL PETITION

This instrument was filed on the 16th day of May, 2017, in the above cited cause number and court. The instrument attached describes the claim against you.

YOU HAVE BEEN SUED, You may employ an attorney. If you or your attorney do not file a written answer with the District Clerk who issued this citation by 10:00 a.m on the Monday next following the expiration of 20 days after you were served this citation and petition, a default judgment may be taken against you.

TO OFFICER SERVING:

This citation was issued on 25th day of May, 2017, under my hand and seal of said Court.



*Chris Daniel*

CHRIS DANIEL, District Clerk  
Harris County, Texas  
201 Caroline, Houston, Texas 77002  
(P.O. Box 4651, Houston, Texas 77210)

Issued at request of:

ROSE, BEN HARWOOD  
10000 MEMORIAL DRIVE SUITE 750  
HOUSTON, TX 77024  
Tel: (713) 583-5524  
Bar No.: 24079243

Generated By: ANDERSON, SARAH A Q36//10684763

CLERK'S RETURN BY MAILING

Came to hand the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, and executed by mailing to Defendant certified mail, return receipt requested, restricted delivery, a true copy of this citation together with an attached copy of PLAINTIFF'S ORIGINAL PETITION to the following addressee at address:

\_\_\_\_\_  
\_\_\_\_\_  
(a) ADDRESSEE

ADDRESS

Service was executed in accordance with Rule 106  
(2) TRCP, upon the Defendant as evidenced by the return receipt incorporated herein and attached hereto at

on \_\_\_\_\_ day of \_\_\_\_\_,  
by U.S. Postal delivery to \_\_\_\_\_

This citation was not executed for the following reason: \_\_\_\_\_

CHRIS DANIEL, District Clerk  
Harris County, TEXAS

By \_\_\_\_\_, Deputy

CAUSE NO. 201732881

RECEIPT NO.

75.00

CTM

\*\*\*\*\*

TR # 73377188

PLAINTIFF: LOMBARD, RON

vs.

DEFENDANT: WYCOFF, LARRY ALLEN

In The 334th  
Judicial District Court  
of Harris County, Texas.  
334TH DISTRICT COURT  
Houston, TX.

## CITATION (CERTIFIED)

THE STATE OF TEXAS  
County of Harris

TO: DANNY HERMAN TRUCKING INC (NONRESIDENT CORPORATION) MAY BE SERVED BY  
SERVING ITS REGISTERED AGENT OF THE CORPORATION  
CORPORATION SERVICE COMPANY D/B/A CSC-LAWYERS INCORPORATING

211 E 7TH STREET SUITE 620 AUSTIN TX 78701 - 3218

Attached is a copy of PLAINTIFF'S ORIGINAL PETITION**FILED**Chris Daniel  
District Clerk

MAY 25 2017

Time: \_\_\_\_\_  
Harris County, Texas  
By \_\_\_\_\_  
Deputy

This instrument was filed on the 16th day of May, 2017, in the above cited cause number  
and court. The instrument attached describes the claim against you.

YOU HAVE BEEN SUED, You may employ an attorney. If you or your attorney do not file a  
written answer with the District Clerk who issued this citation by 10:00 a.m on the Monday  
next following the expiration of 20 days after you were served this citation and petition,  
a default judgment may be taken against you.

## TO OFFICER SERVING:

This citation was issued on 25th day of May, 2017, under my hand and  
seal of said Court.



Chris Daniel

CHRIS DANIEL, District Clerk  
Harris County, Texas  
201 Caroline, Houston, Texas 77002  
(P.O. Box 4651, Houston, Texas 77210)

Generated By: ANDERSON, SARAH A Q36//10684763

Issued at request of:

ROSE, BEN HARWOOD  
10000 MEMORIAL DRIVE SUITE 750  
HOUSTON, TX 77024  
Tel: (713) 583-5524  
Bar No.: 24079243

## CLERK'S RETURN BY MAILING

Came to hand the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, and executed by  
mailing to Defendant certified mail, return receipt requested, restricted delivery, a true  
copy of this citation together with an attached copy of  
PLAINTIFF'S ORIGINAL PETITION  
to the following addressee at address:

## ADDRESS

(a) ADDRESSEE

Service was executed in accordance with Rule 106  
(2) TRCP, upon the Defendant as evidenced by the  
return receipt incorporated herein and attached  
hereto at

on \_\_\_\_\_ day of \_\_\_\_\_,  
by U.S. Postal delivery to \_\_\_\_\_

This citation was not executed for the following  
reason: \_\_\_\_\_

CHRIS DANIEL, District Clerk  
Harris County, TEXAS

By \_\_\_\_\_, Deputy

RECORDER'S MEMO  
This instrument is of \_\_\_\_\_  
at the time of \_\_\_\_\_

DEFENDANT'S  
EXHIBIT

ALL-STATE LEGAL®

C

CAUSE NO. 201732881

RECEIPT NO.

75.00 CTM

\*\*\*\*\*

TR # 73377188

PLAINTIFF: LOMBARD, RON  
vs.  
DEFENDANT: WYCOFF, LARRY ALLEN

In The 334th  
Judicial District Court  
of Harris County, Texas  
334TH DISTRICT COURT  
Houston, TX

CITATION (CERTIFIED)

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*Chris Daniel*

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Harris County, Texas  
201 Caroline, Houston, Texas 77002  
(P.O. Box 4651, Houston, Texas 77210)

Issued at request of:  
ROSE, BEN HARWOOD  
10000 MEMORIAL DRIVE SUITE 750  
HOUSTON, TX 77024  
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Generated By: ANDERSON, SARAH A Q36//10684763

CLERK'S RETURN BY MAILING

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\_\_\_\_\_

ADDRESS

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by U.S. Postal delivery to \_\_\_\_\_

This citation was not executed for the following reason: \_\_\_\_\_

CHRIS DANIEL, District Clerk  
Harris County, TEXAS

By \_\_\_\_\_, Deputy

**IN THE UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

**RON LOMBARD**

**VS.**

**LARRY ALLEN WYCOFF AND  
DANNY HERMAN TRUCKING, INC.**

§  
§  
§  
§  
§  
§

**CIVIL ACTION NO. 4:17-cv-1700**

**JURY REQUESTED**

**LIST OF PARTIES, COUNSEL OF RECORD AND STATUS**

**PLAINTIFF:**

Ron Lombard

**DEFENDANTS:**

Danny Herman Trucking, Inc.  
Larry Allen Wycoff

**ATTORNEYS:**

**ATTORNEY FOR PLAINTIFF:**

Ben Rose  
SBN: 24079243  
FBN:  
**BELL ROSE**  
10000 Memorial Drive, Ste. 750  
Houston, TX 77024  
713/300-5158  
713/583-5524 (fax)  
[ben@bellroselaw.com](mailto:ben@bellroselaw.com)

**ATTORNEY FOR DEFENDANT**

Roger D. Oppenheim  
SBN: 15293400  
FBN: 14205  
**LORANCE & THOMPSON, PC**  
2900 North Loop West, Ste. 500  
Houston, TX 77092  
713/868-5560  
713/864-4671 (fax)  
[rdo@lorancethompson.com](mailto:rdo@lorancethompson.com)

**STATUS OF REMOVED CASE:**

May 16, 2017                      Plaintiff's Original Petition

June 6, 2017      Defendants' Notice of Removal

Defendant, Danny Herman Trucking, Inc. has been served with the Plaintiff's Original Petition. Defendant Wycoff has not been served with process yet. Defendants have not filed responses to written discovery. No depositions have been taken. The matter has not been mediated. The case has no trial setting or other court ordered deadlines.

Respectfully submitted,

/s/ Roger D. Oppenheim

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Roger D. Oppenheim

FBN: 14206

SBN: 15292400

OF COUNSEL:

**LORANCE & THOMPSON, P.C.**

2900 North Loop West, Suite 500

Houston, TX 77092

713/868-5560

713/864-4671 (fax)

[rdo@lorancethompson.com](mailto:rdo@lorancethompson.com)

ATTORNEY FOR DEFENDANTS

LARRY ALLEN WYCOFF AND

DANNY HERMAN TRANSPORTATION, INC.

**CERTIFICATE OF SERVICE**

I hereby certify that on this 6<sup>th</sup> day of June, 2017, a true and correct copy of the foregoing instrument was served by e-filing and/or facsimile to the following counsel of record:

Mr. Ben Rose

Rose Bell

10000 Memorial Drive, Ste. 750

Houston, TX 77024

[ben@bellroselaw.com](mailto:ben@bellroselaw.com)

/s/ Roger D. Oppenheim

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Roger D. Oppenheim